

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO.749 OF 2006
IN
SUIT NO.1837 OF 1994

Ratnakar Bank Ltd. ..Plaintiffs.

Vs.

Shwetank Hukumchand
Jain & Ors. ..Defendants.

Mr.U.Mahajan i/b.M/s.Divekar & Co. for the
Plaintiffs.

Mr.Pankaj Shah for Defendant Nos.1 and 2.

CORAM : S.J. VAZIFDAR, J.
DATED : 10TH JULY, 2007

P.C. :

This is a usual bank suit for the recovery of a sum of about Rs.13,57,000/- together with interest and for enforcement of securities.

2. From the affidavit in support, it is clear that the Plaintiffs were not negligent in prosecuting the suit. The suit came to be dismissed due to the communication gap with the Advocates.

3. The delay in taking out this Notice of Motion is also attributed to the fact that the Plaintiffs were unaware of the dismissal till recently.

4. In the circumstances, the Notice of Motion is made absolute in terms of prayers (a) to (c).

5. The Plaintiffs shall pay the costs of this Notice of Motion fixed at Rs.2500/- to the Maharashtra State Legal Services Authority within eight weeks from today.